



Anuário Antropológico

v.47 n.3 | 2022

2022/v.47 n.3

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Edição eletrônica

URL: <http://journals.openedition.org/aa/10154>

DOI: 10.4000/aa.10154

ISSN: 2357-738X

Editora

Programa de Pós-Graduação em Antropologia Social (UnB)

Referência eletrônica

Elena Azaola, «Comments on the text by Luis Roberto Cardoso de Oliveira: Ethical-Moral Rights and Conflict Management», *Anuário Antropológico* [Online], v.47 n.3 | 2022. URL: <http://journals.openedition.org/aa/10154> ; DOI: <https://doi.org/10.4000/aa.10154>



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Comments on the text by Luis Roberto Cardoso de Oliveira: Ethical-Moral Rights and Conflict Management

DOI: <https://doi.org/10.4000/aa.10154>

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Introduction

In this text, I propose to explore some ideas concerning the body of work developed by Luis Roberto Cardoso de Oliveira in recent years and synthesized in a newly-published text entitled “Ethical-Moral Rights and Conflict Management”.

This text begins with a conceptual discussion on the articulation between rights, values and social bonds that aims to situate ethical-moral rights at a conceptual level also. His main argument is that this articulation affords a better understanding of ethical-moral rights in specific contexts. To demonstrate this idea, he undertakes a comparative analysis of three different situations in which the author has carried out ethnographic studies, each of which confirms the relevance of analysing ethical-moral rights in light of this proposed articulation.

The three ethnographic studies, conducted by the author years ago and summarized in this text, are: the impact of moral-ethical rights on conflict management in small claims courts in the United States; demands for recognition of the French language and culture in the province of Quebec, Canada; and patterns of unequal treatment observed in light of the meaning of moral-ethical rights for citizens in Brazil. The text ends with some general observations on the presence of the “moral insult” manifested when the moral-ethical rights of the parties are denied or disregarded in these three ethnographic situations, and finally the author highlights various angles to the uniqueness of the Brazilian case.

What I intend to develop in this paper is not just a product of the respect and affection I have for Luis Roberto and the value I find in his ideas. What I specifically aim to show is how the concepts that he proposes have allowed me to comprehend problems encountered by myself in conducting various ethnographic studies, as well as the possibilities that I envisage his ideas may have for understanding some of the more disturbing examples of contemporary political phenomena. I do so in three parts: in the first, I discuss the relevance that the category of “moral insult” had for me when exploring the ways in which prison workers in Mexico describe their living and working conditions. Next, I show how the category of “moral insult” can explain the benefit that some political leaders, generically labelled “populists”, find in polarizing discourses (of the us/them type) when they recognize the affronts suffered by certain sectors of the population, lending them their support, as a means to increase their own popularity. Finally, I outline and interrogate some other ways in which the concept might be employed within the prevailing logic of the digital era and formulate a proposal for delimiting the use of this concept.

Recognition of prison workers

In a study that we had the opportunity to conduct on the problems faced by workers in Mexico’s maximum-security prisons, we found that the lack of recognition of their work, as well as negative attitudes surrounding it, were factors generating stress and discontent among the prison staff (Azaola and Pérez Correa

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2017). This is expressed clearly in some of the testimonies we collected from the officers of various prisons, including the following:

- “We feel dispensable, disposable. A deaf ear is turned to the needs raised by staff”.
- “I would like our working hours and rights to be respected, because we are human too and we need to be valued”.
- “There are many shortcomings, and nobody takes any notice of us”.
- “Those of us working in prisons face a lot of discrimination. If we want to change jobs, no one wants to hire us”.
- “We are the ugly duckling because our work is not valued. In the beginning, they told us it was a career job in which we could work our way up, but we’ve been here 24 years and haven’t been able to make any kind of career”.
- “We used to feel proud; now we feel despondent... they are ruining an institution that was once a source of national and international pride”.
- “We are vilified, we are viewed as corrupt; those in the administration vilify us”.

The living and working conditions described by the prison staff provide allowed us to glimpse the prevalence of a feeling that their human worth and dignity went unrecognized, as well as a lack of respect for the norms and statutes that govern their labour relations. In our published text (Azaola and Pérez Correa 2017, 87-8), we pointed out that this situation configures what Luis Roberto Cardoso de Oliveira (2009) has called a “moral affront” or “moral insult” since, he writes,

although physical violence has an indisputable material dimension, the moral dimension of the aggressions (that is, the act of disconsidering the person) have an essentially symbolic and immaterial dimension, though they are just as objective as the former and can constitute the core of the aggression from the viewpoint of its victim (Cardoso de Oliveira 2009, 159-60).

In this sense, “the notion of ‘moral insult’ presumes an objective aggression against a person’s rights, one that cannot always be adequately translated into material evidence, although it always implies a devalorisation or denial of the other’s identity” (Cardoso de Oliveira 2009, 159-60). The author also emphasizes that “the attitude of aloofness or the absence of ostensive deference, which are perceived to be constitutive of an act of disconsideration, elicit resentment or indignation in the person on the receiving end” (2009, 161).

In the study we conducted on prison staff, we referred to “moral insults” and the lack of recognition because it seemed to us that these concepts proposed by Cardoso de Oliveira clearly reflected not only what the prison officers expressed but also, and somewhat surprisingly, what professional and legal staff (including doctors, lawyers, psychologists, educators, and social workers who work in pris-

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ons) told us concerning their living and working conditions. In the testimonies of these types of staff, dignity once again appears as a central theme:

- “We have seen how everything has rotted away. Before there was encouragement, benefits, now there’s only abuse”.
- “We like the work, but they don’t treat us with dignity. Every day they invent some extra work. We ask only for a decent wage and treatment and that they don’t discriminate against us”.
- “Here they give more support to the prisoners and that leaves us demoralized. It’s draining to work in an environment where you don’t feel supported by your bosses”.
- “Some people have been made ill by all the stress that comes from working here; there is no harmony, no trust. They don’t listen to us or treat us well...”
- “We are the most devalued, the least recognized and they call us useless. We are a very underqualified area...”
- “Sometimes they want to frisk us in a degrading way; for example, they ask us to remove our sanitary pads and hand them over, giving us a new one in return; it’s very degrading...”
- “If the institution doesn’t look out for you, where is its sense of humanity? We are the real prisoners!”
- The above testimonies leave no doubt that, irrespective of the substandard working conditions that they describe, the impact of the “moral affront” or the “disregard of their dignity” plays a central role in the problems faced by the prison staff of Mexico’s federal prisons. Hence the huge value that I found in the conceptual proposal formulated by Luis Roberto Cardoso de Oliveira, which allowed us to make the problems faced by this sector more visible and widely known – a sector that performs substantive work for the country’s security, despite the lack of recognition.

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The efficacy of the populist discourse

In my second example, rather than discuss my own ethnographic work, I shall refer to the explanations that some authors have proposed for the success of polarizing discourses employed by so-called “populist” leaders¹. Essentially, in question is the construction of a discourse in which these leaders clearly identify an interlocutor whom they address in a privileged manner and whose interests they claim to represent (an “us”), while simultaneously constructing a readily named enemy who is held responsible for the main problems facing society (a “them”). Here we can recall Goebbels’ Principles of Propaganda: his principle of simplification and principle of the single enemy recommend “adopting a single idea, a single symbol. Individualize the adversary into a single enemy” (cited by Sánchez Garnica 2021, 168).

1 Although the theme extends far beyond the analysis able to be elaborated here, I recommend the recent text by Diego Fonseca, Amado Líder (2021), which examines populism in detail. The topic was also the subject of an interesting debate at the seminar on “Populisms, Post-Truth and Security Policies”, convened by the Citizen Security Program of the Universidad Iberoamericana de la Ciudad de México on July 13, 2022, and which can be found at the website: <https://www.youtube.com/watch?v=x3yvJd4xTwY>

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In the case of Mexico, for example, some analysts have tried to explain the factors behind the high popularity of the current president, whose approval rating, according to diverse polls, is around 60%, even after almost four years of his administration and despite the lack of results shown by his government program.

Leonardo Curzio, for instance, has pointed out that, unlike democratic politicians, populists do not govern: rather their space of reproduction involves feeding their polarizing rhetoric through the development of a politics identifying with all those who feel some kind of resentment (Curzio 2022).

This is where, once again, I find Cardoso de Oliveira's proposal concerning ethnic-moral rights and the "moral insult" relevant since, as Curzio points out, the disadvantaged encounter an inexhaustible source of pride in the fact that every day the Mexican president reminds the poor that his government is theirs.

For my part, I believe that, in practice, no Mexican president has ever said or repeated so many times "the poor first" or has made this largest section of the population into his privileged interlocutor, nor travelled across the national territory so often to affirm their identity, show them respect and listen to their concerns. In other words, to recognize their grievances and attempt to alleviate them by offering scholarships, pensions and subsidies, measures that do not solve poverty but mitigate its effects and, above all, grant a place, an identity and a recognition that this section of the population had never previously attained. In the president's discourse, "we" refers to the people, who frequently appear alongside the adjectives "wise" and "good," while "they" covers those he describes as "conservatives," "neoliberals" and even "aspirationalists".

Curzio, for his part, writes: "the meaning of identity is seasoned with strong doses of hope, people continue to believe that this country will change despite all the years that have passed and the failures reaped". For this analyst, identity and hope are two of the factors that account for the president's high approval rating. "They are, in my view, the elements that explain why a country that is not advancing is so content with its government", Curzio concludes (2022, A21).

Once again, another of Goebbels' main proposals comes to mind, the *principle of orchestration*:

propaganda should be limited to a small number of ideas and repeated incessantly, presented again and again from different perspectives but always converging on the same concept. Without gaps or doubts. If a lie is sufficiently repeated, it ends up becoming a truth (quoted by Sánchez Garnica 2021, 72).

The moral insult in the digital era

In this part, I confess, I shall navigate blindly, much more on the basis of questions and intuition than knowledge of the subject. My speculation may simply be the first step in opening a discussion in which others can undoubtedly arrive and

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set out ideas with a more solid foundation than my own here.

Having made this caveat, the idea I wish to explore is that ethical-moral rights and the categories of “moral insult” and “moral affront” proposed by Cardoso de Oliveira may also perhaps be pertinent to an inquiry into what happens on social networks in the digital world.

Here I list some problems that are frequently discussed today but remain far from resolved. Among others: Who regulates digital content? How do we prevent the spread of fake news? How do we avoid the dissemination of images that offend people’s dignity? Who is responsible for the harm caused to a person by someone who remains anonymous? How do we achieve a balance between freedom of expression and the protection of the rights of vulnerable people and groups? Who is responsible for the algorithms used to capture the attention of certain groups and draw them towards specific kinds of content? Are these algorithms “amoral”?

If different platforms like Facebook, Twitter and Instagram favour the creation of closed groups, communities that tend to erect barriers to other communities, perhaps this inevitably leads to reaffirming certain positions in contrast to those held by others – a phenomenon that tends to polarize and, when pushed to an extreme, to promote discourses of contempt and even hatred of anyone who does not form part of the said “community” or who holds different ideas to those circulating within it².

All these and other issues are among the challenges faced by the need to construct a new law that establishes rules and limits in order to preserve the dignity and rights of people, especially the most vulnerable, in the digital world.

These are also some of the challenges, among others, posed by artificial intelligence and that can be viewed in light of a rethinking of ethical-moral rights and the individual’s ability to preserve their freedom in the face of the power imposed by algorithms. In this sense, the decisions taken by artificial intelligence systems ultimately affect us all and yet we are not equipped to respond to these challenges. Perhaps, as some platforms already recognize, a new “digital citizenship” needs to be created. Yet simultaneously we cannot lose sight of the fact that these media are controlled by powerful companies that encounter and solve this kind of dilemma every day in their own way, while we citizens for the most part act as passive consumers, allowing them to set the limits and rules that govern social interactions in cyberspace.

I would like to hear Luis Roberto’s ideas on these and other ethical dilemmas posed in the digital age – dilemmas that I have only been able to sketch, admitting my lack of knowledge on the theme.

Final observation

To conclude, I wish to introduce another reflection on which I would enjoy exchanging ideas with Professor Cardoso de Oliveira.

Just as the category of “moral panic” (Cohen 2017 [1972]) has been said to be socially constructed but experienced individually, we could also ask whether the

2 Some of the ideas that I propose in this section came to mind after listening to the sessions on hate speech and polarization that took place in June and July 2022 as part of the Violence and Peace Seminar at El Colegio de México, in particular the session of July 6 on “Hate and Digital Polarization”. Available at: <https://www.youtube.com/watch?v=9RqQB-BOxGro>

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same occurs with the “moral insult” and, if so, what place is occupied by subjectivity?

What I mean is that, perhaps, some psychoanalysts could show us that there are some people more inclined to feel aggrieved than others, while others might even ignore insults that, despite being expressly directed towards them, do not hurt them or do not harm them individually.

In this sense, the category of “moral insult” should maybe be reserved for phenomena that are experienced by a collective rather than individually? This would clearly be the case of equality before the law, which is sustained at the level of norms, while in daily practice there are collectives, in Brazil and elsewhere, that can, with reason, argue that legal equality is more equal, so to speak, for some than for others. Likewise the category of “moral insult” can clearly be applied to the defence of the French language and culture in the case of the province of Quebec, as well as to the collective formed by prison workers in Mexico, among many other cases, undoubtedly. However, the doubt persists that, in the case of the small claims courts, for example, there might be some people who are more susceptible to feeling aggrieved or to perceiving certain offences and more likely to seek redress from the courts, while others do not perceive these insults or do not grant them the same importance. In sum, I do not know. Let us listen to what Luis Roberto has to say.

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Recebido em 22/10/2022

Aprovado para publicação em 25/10/2022 pela editora Kelly Silva

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